UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1998/NGO/60
17 March 1998

Original: ENGLISH AND FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Item 8 of the agenda

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Written statement submitted by the International Association Against Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[12 March 1998]

1. In this fiftieth anniversary of the Universal Declaration of Human Rights, the International Association Against Torture (IAAT) wishes to bring to the attention of the Commission on Human Rights the obstacles in the implementation of this document. As the Vienna Declaration and Programme of Action made clear, transparency and a single standard of human rights enforcement must exist if there is to be universal respect for human rights. The developed world, particularly allies of the single superpower, is not held accountable to either transparency or to a single standard of human rights. This situation is exemplified by:

1. Spain

2. The show trial conducted by the Spanish Government against the members of Herri Batasuna, a legal political movement of the Basque people, clearly exemplifies the existence of political prosecutions and political prisoners within so-called advanced democracies. This NGO had an observer at the proceedings; it was abundantly clear that the judicial body had decided the guilt of the defendants prior to the beginning of the trial. The entire 23-member executive body, including 7 Members of Parliament, were convicted of collaborating with an armed group, i.e. the ETA because, during their electoral campaign, an individual in the Herri Batasuna showed a videotape putting forward a peace proposal by ETA. They were each sentenced to seven years imprisonment.

3. This public political prosecution of Basque nationalists is accompanied by a clandestine government campaign of random arrests, detention and torture of anyone through to be associated with the ETA.

2. United States

4. The hypocritical double standard implementation of human rights is even clearer in the boundaries of the single superpower. The United States has a prison population of over 1.7 million. One out of every 155 United States residents is in jail but, due to the racist nature of the justice system in the United States, Blacks and Latinos constitute more than 50 per cent of the prison population.

5. Within this huge prison population are over 200 unacknowledged political prisoners from the 1960s, 1970s, 1980s, and 1990s. Through the FBI's omnipresent and illegal Counter-Intelligence Program (COINTELPRO), these men and women were targeted because of their political beliefs and/or actions deriving from those beliefs. The reasons for being targeted were attendance at political meetings and demonstrations; and subscription to political newspapers. The FBI, having at their disposal enormous amount of funds, expended it on manpower and technology to spy on political activity which is supposedly protected by the United States Constitution. In the manner of judicial sentencing, they often receive prison terms twice as long as those given non-political defendants. Their treatment in prison includes often untreated serious medical problems and placement in maximum security prisons because of their political beliefs, even though they committed no disciplinary infractions. All these offer clear proof of the political nature of their situation.

6. Geronimo Ji Jaga Pratt was released in June 1997 after serving 27 years for a murder the FBI knew he did not commit. Geronimo had been targeted for "neutralization" by the FBI because of his leadership in the Black Panther Party. His case only is the proof of the existence of political prisoners in the United States. Many come from the Black Liberation Movement. They include Mumia Abu Jamal, former Black Panther, currently on death row in Pennsylvania; Mutulu Shakur, Republic of New Afrika, serving 60 years in Atlanta; Abdul Haqq of the December 12th Movement; Jihad Abdul Mumit, former Black Panther Party, serving 45 years; Sundiata Acoli and Jalil Muntaquin, former Black Panther Party; Leonard Peltier of the Native American Movement for Self-Determination and Independence; Oscar Lopez, Dylcia Pagan and Alejandrina Torres, Puerto Rican Independence Movement; Ray Luc Levasseur, Tommy Manning and Marilyn Buck, North American Anti-Imperialist Movement. They are men and women from all nationalities and races. They are commonly defined by their struggle for self-determination for their people and oppressed nations and their opposition to the abuse of policies of the United States Government.

Cruel and inhuman punishment and torture

7. The forms of cruel and inhuman punishment implemented in the United States are many and varied, e.g., Sekou Odinga, former Black Panther Party and Black Liberation Army member - when the police captured him in 1981, they tortured him by putting his head in the toilet, with cigarette burns and beatings so severe that his pancreas was nearly destroyed.

8. Over the past 17 years, prison authorities have subjected Mr. Odinga to a constant pattern of harassment designed to break his morale and force him to renounce his politics. Despite repeated requests to be near members of his family who are terminally ill, he was moved 3,000 miles away to the west coast of the United States, where he had no relatives and could have no visits. He was then moved to United States Penitentiary Marion, Illinois, where he was locked down 22 hours a day. The United States Government recently subpoenaed him to testify before a grand jury investigating the death of a correction officer allegedly killed by a former cellmate of Mr. Odinga. Mr. Odinga objects on principle to testifying before a grand jury because of its political and secret nature. Consequently, he was moved to United States Penitentiary Limpac, California.

9. Although he has neither committed nor is charged with any disciplinary infractions, the Bureau of Prisons is presently keeping him in total isolation from all other prisoners while they wait to take him before the grand jury. His holding order reads that he is to have "No Human Contact". Thus, his only contact is with correction officers who have been deliberately told by the prison administration the lie that Mr. Odinga was somehow involved in the death of their fellow correction officer in 1997. These guards are bent on revenge and do whatever they can to harass him, including threats on his life. He is held in a dirty cell 24 hours a day, and all requests to provide him with cleaning equipment to clean the cell have been ignored. The prison places Mr. Odinga in total restraint, i.e., legs, arms and waist shackled and

accompanied by three guards and a lieutenant when going to the shower, which is next to his cell, three times a week. He receives no recreation, exercise or fresh air. He is allowed no reading or writing material, except the Koran, no phone calls, no personal visits or mail. His conditions of confinement are illegal by U.S. laws, not to mention human rights standards.

10. At the same time, the effect of keeping Mr. Odinga in total isolation is to give other inmates the false impression that he is in "protective custody", the category reserved for people who are cooperating with the authorities, i.e. a "snitch". Thus, the basis is set for him to be killed when he returns to general prison population.

11. At the time this intervention was submitted, Mr. Odinga was still fighting to be released from this inhumane situation.

Conclusion

12. If developing countries committed the types of human rights violations just cited the Commission would take immediate action. Therefore the IAAT calls upon the Commission to appoint country special rapporteurs to investigate these situations. There is no other way to ensure the accountability of countries which consistently, persistently and audaciously violate human rights treaties and conventions they have ratified.